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In re Application of	:	DECISION ON
KREMER et al	:	
Application No.: 10/520,931	:	
PCT No.: PCT/EP2003/007551	:	
Int. Filing Date: 11 July 2003	:	PETITION UNDER
Priority Date: 12 July 2002	:	
Attorney Docket No.: 1874.008	:	
For: TRANSPLANT ACCEPTANCE INDUCING	:	
... PREPARATION AND UNSE	:	37 CFR 1.182

This decision is in response to petitioner's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed on 07 March 2006, which is being treated as a petition under 37 CFR 1.182. The petition fee of \$400.00 has been charged to Deposit Account No. 50-2387.

BACKGROUND

On 12 January 2005, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 14 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 12 December 2005, applicants submitted an executed declaration. In the declaration section pertaining to the third named inventor, the name Maren SCHULZE appears; this name did not appear in the international application. In addition, the declaration has been signed by "Maren SCHULZE."

On 24 January 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration was in not compliance with 37 CFR 1.497(a) and (b). It stated that inventor number three Maren Ruhnke as published but signed on the declaration as Maren Schulze. Therefore, form 306 is needed for such a change.

On 07 March 2006, petitioner filed the instant petition, which included an affidavit in support of the name change of the inventor from Maren Ruhnke to Maren Schulze.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), an affidavit has been provided signed under Maren Schulze. It sets forth the procedure whereby the change of name was effected from Maren Ruhnke (married name) to Maren Schulze (maiden name). Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**. This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **12 December 2005**.



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